

YOUTH SERVICES POLICY

Title: Personnel Records Next Annual Review Date: 09/13/2013	Type: A. Administrative Sub Type: 2. Personnel Number: A.2.12
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References: ACA Standards 2-CO-1C-01, and 2-CO-1C-23 (Administration of Correctional Agencies); and 4-JCF-6D-11 and 4-JCF-6D-12 (Performance-Based Standards for Juvenile Correctional Facilities); 2-7041, and 2-7042 (Juvenile Probation and Aftercare Services); Privacy Act of 1974 (Auth. Sec. 3012, Title 10, USC), Health Insurance Portability and Accountability Act of 1996 (HIPPA) Guidelines; La. R.S. 44:11 et seq., the Public Records Act; La. R.S.49:1001-1021 "Louisiana Drug Testing"; U.S. Department of Justice, Immigration and Naturalized Service Handbook for Employees (M-274) revised 11/21/91; Civil Service General Circular No. 1407 "Records Maintained by State Agencies" issued 9/21/00; Civil Service HR Handbook "Public vs. Private Information"; YS Policy No. C.1.13 "Legislative Request/Communication, Media Access and Public Information"	
STATUS: Approved	
Approved By: <i>Mary L. Livers, Deputy Secretary</i>	Date of Approval: 09/13/2012

I. AUTHORITY:

Deputy Secretary of Youth Services as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish the Deputy Secretary's policy regarding confidentiality, accessibility and uniform maintenance of information contained in Youth Services (YS) Personnel Records.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Deputy Undersecretary, Chief of Operations, Deputy Assistant Secretaries, Regional Directors, Facility Directors, Regional Managers and all personnel liaisons who are authorized to maintain Personnel Records. Each Unit Head shall ensure that all necessary procedures are in place to comply with the provisions of this policy.

IV. DEFINITIONS:

Confidential Information - Information that is deemed confidential either by statute, court decision, or Civil Service Rules. Information that may remain confidential includes that information for which an employee has a reasonable expectation of privacy.

Custodian - A public official or head of any public body (Deputy Secretary) having custody of or control of public records, or a representative specifically authorized by him/her to respond to requests to inspect such records.

Human Capital Management (HCM) - a system that captures transactions involving state funds formerly performed by the Integrated Statewide System (ISIS).

Personnel Record - The accumulation of an individual's employment-related information, whether public or confidential, which is maintained by the personnel liaison of the unit where the employee is domiciled, and in the Human Capital Management (HCM) System. The Personnel Record generally consists of three main files: Personnel Folders, Medical Files, and Performance Planning and Review Files.

Public Records - Any document or group of documents (a file) which has/have been used, prepared, processed or retained for use in the performance of any business or function performed under the authority of the Constitution or laws of the state unless "excepted" in the "Public Records Law" or the Constitution of the state. Not all public records contain public information; some information is confidential; some records are either entirely public or entirely confidential. An example of a confidential piece of information within a public record would be an employee's Social Security number.

Records Custodian - The Department of Public Safety (DPS) Human Resources (HR) shall maintain Personnel Records.

Unit Head - Deputy Secretary, Facility Directors, and Regional Managers.

YS Central Office - Offices of the Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Deputy Assistant Secretaries, Regional Directors, and their support staff.

V. POLICY:

It is the Deputy Secretary's policy to maintain a record of the employment history for each staff member, and to ensure the appropriate confidentiality of that record. Each employee's Personnel Record shall be maintained as one file folder with separate labeled compartments. Documents which contain only confidential information shall be filed in a compartment separate from the public personnel documents and identified as "confidential" or "private".

Exception: Medical records and drug testing files, shall be maintained in locked files which shall be maintained separately from all other documents.

VI. MAINTENANCE OF THE PERSONNEL RECORD:

A. Pursuant to the provisions of La. R.S. 44:11, the following items in the Personnel Record shall be confidential:

1. Telephone numbers (home, cell, etc.) and address when the employee has requested confidentiality;
2. The name and account number of any financial institution to which the employee's salary is directly deposited by an electronic deposit payroll system;
3. The Social Security number. Note: When the employee's Social Security number or financial institution direct deposit information is required to be disclosed pursuant to any other provision of law, including such purposes as child support enforcement, health insurance, and retirement reporting, the Social Security number or financial institution direct deposit information of the employee shall be disclosed pursuant to statute;
4. All medical records, claim forms, insurance applications, requests for the payment of benefits, and health records of employees and their dependents.

B. Examples of other confidential documents and/or information that shall be protected from general public access include the following:

1. Performance Evaluation System (PES) documents and evaluations;
2. Internal grievance documents;
3. Tax information;
4. Pay check deductions;
5. Time and attendance packets;

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6. Scores and notes of interview panel members;
 7. College Transcripts;
 8. Pre-discipline notices if no disciplinary action resulted; and
 9. Beneficiary information (insurance, retirement, etc.).
- C. Examples of public records and/or information which shall be available for public inspection (confidential information contained within the record shall be obliterated or protected from view) shall include the following:
1. SF-10 and resume;
 2. Employee name, job title, salary;
 3. Attendance records;
 4. Annual leave slips;
 5. Sick leave slips and absence records, EXCEPT certain types of sick leave and the reasons therefore may be private depending upon the particular case;
 6. Reports of internal investigations;
 7. Appointment Affidavits (SF13);
 8. Record of appointments;
 9. Record of changes in status or position (promotion, reassignment, etc.);
 10. Copy of current position description (SF3);
 11. Records of completed training courses;
 12. Letters supporting formal disciplinary actions;
 13. Pre-discipline notices ONLY IF disciplinary action resulted;
 14. Birth certificate;
 15. Death certificate; and
 16. Driver's license (except Social Security number is confidential).
- D. Documents in the Medical Record which shall be kept confidential and separate from public records shall include, but not be limited to, the following:
1. All information relating to an employee's medical condition or history;
 2. Workers' compensation documents;
 3. E-Z Form (pre-existing conditions);
 4. Statement of pre-existing condition/evidence of insurability for health or life insurance purposes;
 5. Family and Medical Leave Act and related documents;
 6. American with Disabilities Act and related documents; and
 7. TB test results.

VII. GUIDELINES FOR SIX-PART PERSONNEL RECORD:

Personnel Records shall be divided into the following six sections:

- A. Miscellaneous information;
- B. Disciplinary/Investigation/Law Enforcement Reports - all of which are confidential;
- C. Payroll documentation - some of which is confidential;
- D. Induction Checklist Information;
- E. Employment History Information/Applications; and
- F. PES Documentation [PES EVAL (Revised 7/12)]

VIII. RECORDS CUSTODIAN:

DPS HR shall be the Records Custodian, shall maintain Personnel Records, and shall be responsible for the following:

- A. Maintaining the confidentiality of the Personnel Record;
- B. Limiting access to only those employees whose job duties require access;
- C. Ensuring that only those parts of the record are forwarded to the requesting individual who has the right to access the information in accordance with this policy;
- D. Obliterating all confidential information from a Personnel Record before forwarding the record to the requesting individual who has the right to access of the information in accordance with this policy;
- E. Maintaining a system which tracks the location of all records; and
- F. Ensuring the records shall be kept current.

IX. REQUESTS FOR INFORMATION:

Responses to requests for information shall be handled within 72 hours. The only documents contained in the Personnel Record that shall be produced are those which are considered public information. However, if any part of a public record is confidential, the Records Custodian shall obliterate the information on a copy of the document which is provided in response to the public record request.

- A. Information may be provided to law enforcement officials who are:
 - 1. Conducting an official inquiry into a potential violation of law; or
 - 2. Prosecuting - conducting a criminal proceeding arising from an alleged violation of law.

- B. The disclosure of employee medical information shall only be released to those entities with a need to know based on business related reasons.
- C. Health information collected on employees of YS for treatment of illness or injury shall not be disclosed without signed consent authorization by the employee [see Attachment A.2.12 (a)] except for Workers' Compensation.

X. EMPLOYEE'S RIGHT TO REVIEW HIS OWN PERSONNEL RECORD:

- A. An employee shall have the right to inspect his/her own personnel record in the presence of the Records Custodian.
- B. No documentation may be removed from the personnel record during the review except by the Records Custodian in order to copy information for the employee.
- C. The employee may request, in writing, to have a document corrected/removed from his/her Personnel Record or to challenge the contents of the record. This request shall be made to the Unit Head, who shall refer the request to the DPS HR who shall take appropriate action.

XI. OTHER ACCESS TO THE PERSONNEL RECORD:

- A. Access shall be limited to employees whose duties require such access.
- B. Other access shall be limited to the provisions of the Privacy Act of 1974.

XII. RETENTION OF PERSONNEL RECORDS:

Personnel Records on separated employees shall be maintained at DPS HR. At that time, DPS HR shall forward a destruction notice to the Secretary of State's Office requesting approval. Once approval is granted, personnel records shall be destroyed by DPS HR.

XIII. COMPUTERIZED PERSONNEL INFORMATION:

All personnel information stored in any computerized data system, and the HCM shall be treated with the same confidentiality as physical documents.

Previous Regulation/Policy Number: A.2.12

Previous Effective Date: 5/27/09



Attachments/References: A.2.12 (a) Consent form - May 2009.doc